

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 985 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VELJI P. & SONS.

Versus

TULSIBHAI BACHUBHAI

Appearance:

MR DH WAGHELA for Petitioner

MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 09/12/98

ORAL JUDGEMENT

By way of this Special Civil Application under Article 227 of the Constitution of India, the petitioner, a partnership firm, in the name of M/s. Velji P & Sons, has challenged the award of the Labour Court, Jamnagar dated 29.9.1997 in Reference (LCJ) Bi,148/90, whereby the respondent workman is directed to be reinstated with 50% backwages. The petitioner is a partnership firm running the business of Custom House Agent in Jamnagar and at

various other offices in the region. The respondent workman was engaged for delivering documents and papers to their clients and customers on urgent basis. His services were alleged to have been terminated on 1.1.1984. The workman raised industrial dispute, which culminated in Reference to the Labour Court, Jamnagar.

2. It is contended by the learned Advocate that the findings of the Labour Court is perverse, inasmuch as the same are based on surmises. On the other hand, Mr Mishra, learned Advocate submits that the plea of the petitioner that the workman had left the job for joining M/s. TCRC on better terms, has not been accepted.

3. It is not in dispute that the firm is closed. In view of this, the question of reinstatement does not arise. In view of the aforesaid, this Special Civil Application is allowed. The impugned award directing reinstatement is quashed and set aside. However, the respondent workman shall be entitled to 20% of the backwages upto 1.4.1994 and also the terminal benefits.

Rule made absolute to the aforesaid extent.

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msp.